

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
DEL RIO DIVISION

VICTOR LOPEZ

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Plaintiff,

VS.

C.A. NO. \_\_\_\_\_

VOYAGER INDEMNITY INSURANCE  
COMPANY

Defendant.

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DEFENDANT'S NOTICE OF REMOVAL

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COMES NOW Defendant, VOYAGER INDEMNITY INSURANCE COMPANY (hereinafter "Voyager"), and files this Notice of Removal under Fed. R. Civ. P. 81(c) and pursuant to 28 U.S.C. 1446(b)(3) of Cause No. 16-04-32977-MCVAJA; *Victor Lopez v. Voyager Indemnity Insurance Company*; In the 365<sup>th</sup> Judicial District Court of Maverick County, Texas to the United States District Court for the Western District of Texas, Del Rio Division and would show this Court as follows:

**A. Procedural Background**

1. Plaintiff filed this case as Cause No. 16-04-32977-MCVAJA; *Victor Lopez v. Voyager Indemnity Insurance Company*; In the 365<sup>th</sup> Judicial District Court of Maverick County, Texas on April 20, 2016. (See Exhibit "A").
2. Defendant Voyager Indemnity Insurance Company was served with such suit on May 26, 2016. (See Exhibit "B"). Voyager files this Notice of Removal within the 30-day time period required by 28 U.S.C. §1446(b).

3. A copy of the District Court docket sheet is provided to the Clerk of the Court.

Relevant pleadings and answers are attached hereto as exhibits. (See Exhibit "C").

4. Venue is proper in the Western District of Texas, Del Rio Division as this division and district embrace the venue of the state court action.

5. Voyager will promptly file a copy of this Notice of Removal with the clerk of the county court in which this action has been pending.

**B. Nature of the Suit**

6. This is a suit based upon a policy of insurance. Plaintiff claims that his residence sustained damage as a result of an April 23, 2014 weather event and Voyager failed to comply with the policy of insurance issued to Plaintiff with respect to his claim under the policy as a result of the weather event.

**C. Basis for Removal**

7. Removal is proper because there is complete diversity between the parties. *See* 28 U.S.C. §1332(a). Plaintiff, Victor Lopez, is an individual who resides in Zavala County, Texas. Defendant Voyager Indemnity Insurance Company is a foreign corporation organized and existing under the laws of the state of Arizona with its principal place of business in Scottsdale, Maricopa County, Arizona. The amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs as Plaintiff alleges in paragraph 48 of his Petition that he seeks monetary relief in the sum of \$200,000 to \$1,000,000.

**D. Jury Demand**

8. Plaintiff has not demanded a jury trial in the State Court action.

**E. Conclusion and Prayer**

WHEREFORE PREMISES CONSIDERED, Defendant, VOYAGER INDEMNITY INSURANCE COMPANY gives notice that Cause No. 16-04-32977-MCVAJA; *Victor Lopez v. Voyager Indemnity Insurance Company*; In the 365<sup>th</sup> Judicial District Court of Maverick County, Texas is hereby removed from said State Court to the United States District Court for the Western District of Texas, Del Rio Division, and Defendant prays for such other and further relief to which it may show itself justly entitled.

Respectfully submitted,

**COOPER & SCULLY, P.C.**

By: /s/ Fred L. Shuchart  
FRED L. SHUCHART  
SBN 18316250  
815 Walker St., Suite 1040  
Houston Texas 77002  
(713) 236-6800 - Telephone  
(713) 236-6880 – Facsimile  
Email: [fred@cooperscull.com](mailto:fred@cooperscull.com)  
**ATTORNEY FOR DEFENDANT VOYAGER  
INDEMNITY INSURANCE COMPANY**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document has been forwarded to all known counsel of record as indicated below by certified mail, return receipt requested, facsimile and/or hand delivery on this 17<sup>th</sup> day of June, 2016.

Larry W. Lawrence, Jr.  
Lawrence Law Firm  
3112 Windsor Road, Suite A234  
Austin, Texas 78703

via certified mail/return receipt requested  
 via regular mail  
 via facsimile – (800) 507-4152  
 via hand delivery

/s/ Fred L. Shuchart  
FRED SHUCHART